THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23986 of 2007

Date:13-11-2007

Between:

Building Construction All Workers Welfare Association, Kothagudem Rep. by its President G.Ramchander.

…Petitioner

AND

The District Collector, Khammam and three others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondent No.3 in deciding the application for stay and appeal filed by him against the order of the 4th respondent, dated 06.09.2007, as illegal and arbitrary and consequently to direct the 3rd respondent to forthwith decide upon the stay petition and appeal.

It is the case of the petitioner that as against the orders passed by the Tahsildar, Kothagudem in Rc.B/626/2007, dated 6.09.2007 under Section 6 of the A.P. Land Encroachment Act (for short 'the Act') for summary dispossession of the encroached land of an extent of 160 square yards in Sy.No.143 situated in Kothagudem village, the petitioner filed an appeal under Section 10 of the Act before the Agency Divisional Officer/R.D.O., Kothagudem on 01.11.2007 along with the application for grant of stay. It is stated that even before the appeal is considered and disposed of, the 4th respondent is taking steps to dispossess the petitioner from the said land.

Having regard to the facts of the case, without expressing any opinion with regard to the merits of the case, the writ petition is disposed of directing the appellate authority-third respondent to consider and dispose of the said appeal filed by the petitioner on 01.11.2007 against the order of the Tahsildar, Kothagudem in Procedings Rc.B/626/2007, and pending disposal of the said appeal, status-quo obtaining as on today with regard to possession shall be maintained. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:13.11.2007
ccm